

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DARYL ORTEGA,

Plaintiff,

vs.

Civ. No. 98-594 SC/WWD

STEVE MIERA, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendants' Motion to Extend Discovery Deadline for the Sole Purpose of Taking Plaintiff's Deposition [28]. The motion was filed February 23, 1999. Previously, Plaintiff was sanctioned for failure to appear at his deposition and was ordered to pay costs and attorney fees in the amount of \$934.51. In his response to the instant motion, Plaintiff indicates that he has "fully complied with the Court's order." In Defendants' reply to Plaintiff's response to the instant motion, Defendants state:

He [Plaintiff] has paid nothing despite numerous requests that he do so. The last one made to his counsel on February 18, 1999.

Apparently, someone is not telling me the truth. Unfortunately, this opens up another line of inquiry which I feel duty bound to pursue.

**WHEREFORE,**

**IT IS ORDERED** that Defendants' motion is granted, and that Defendants may take Plaintiff's deposition upon reasonable notice.

**IT IS FURTHER ORDERED** that on or before March 5, 1999, counsel for the parties submit directly to the undersigned any evidence they may have with respect to payment or nonpayment of the sanctions imposed in my Order of December 8, 1998, against Plaintiff.

  
UNITED STATES MAGISTRATE JUDGE